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UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

John Doe,

Plaintiff,

v.

Donald J. TRUMP, in his official capacity,
President of the United States of America;

Moises BECERRA, in his official capacity, Acting
Field Office Director of San Francisco Office of
Detention and Removal, U.S. Immigrations and
Customs Enforcement; U.S. Department of
Homeland Security;

Todd M. LYONS, in his official capacity, Acting
Director, Immigration and Customs Enforcement,
U.S. Department of Homeland Security; and

Kristi NOEM, in her official capacity, Secretary,
U.S. Department of Homeland Security;

Defendants.

Case No.: 4:25-cv-03140-DMR

**[PROPOSED] ORDER
GRANTING PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER**

**[PROPOSED] ORDER GRANTING PLAINTIFF'S
MOTION FOR TEMPORARY RESTRAINING ORDER**

Plaintiff is entitled to a temporary restraining order if they establish that they are “likely to succeed on the merits, . . . likely to suffer irreparable harm in the absence of preliminary relief, that the balance of equities tips in [their] favor, and that an injunction is in the public interest.” *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008); *Stuhlbarg Int’l Sales Co. v. John D. Brush & Co.*, 240 F.3d 832, 839 n.7 (9th Cir. 2001). Absent a showing of likelihood of success on the merits, the Court may still grant a temporary restraining order if Plaintiffs raise “serious questions” as to the merits of their claims, the balance of hardships tips “sharply” in their favor, and the remaining equitable factors are satisfied. *Alliance for the Wild Rockies v. Cottrell*, 632 F.3d 1127 (9th Cir. 2011).

Upon consideration of Plaintiff’s Motion for Temporary Restraining Order, and finding sufficient cause, the motion is **GRANTED**, and **IT IS FURTHER ORDERED** that:

1. Defendants are enjoined from arresting and incarcerating Plaintiff pending the resolution of these proceedings. 5 U.S.C. § 705;
2. Defendants are enjoined from transferring Plaintiff outside the jurisdiction of this District pending the resolution of these proceedings. 5 U.S.C. § 705; and
3. Any legal effect that the unlawful termination of Plaintiff’s SEVIS status or the potential unlawful revocation of their F-1 visas may have is enjoined pending further order of the Court, 5 U.S.C. § 705; § 706(2)(A), (C)-(D), including:
 - a. Preventing Plaintiff from continuing their existing employment authorization under STEM OPT in valid F-1 visa status, 5 U.S.C. § 705; § 706(2)(A), (C)-(D);
 - b. Preventing, based on an alleged lack of valid nonimmigrant visa status, Plaintiff from changing status to an H-1B work visa, 5 U.S.C. § 705; § 706(2)(A), (C)-(D); and
 - c. Determining that Plaintiff is accruing unlawful presence in the United States as a result of the SEVIS termination, 5 U.S.C. § 705; § 706(2)(A), (C)-(D).
4. In light of point 3 above, pending these proceedings, Plaintiff is permitted to continue pursuing their employment under their STEM OPT and can also change status from F-

1 to an H-1b work visa.

5.The parties are ordered to redact or file any information identifying Plaintiff under seal.

6. Defendants' counsel are prohibited from sharing any information about Plaintiff's identity or related personal information beyond what is reasonably necessary for the litigation (including to comply with Court orders) and to prohibit use of the information for any purpose outside of the litigation.

7.Under the circumstances of this case, it is proper to waive the requirement that Plaintiff give an amount of security.

IT IS SO ORDERED.

Dated: _____, 2025

United States Magistrate Judge
Hon. Donna M. Ryu